



Ministry of JUSTICE

Coronavirus Restricted Temporary Release Direction pursuant to rule 5A of the Young Offender Institution Rules 2000

The Secretary of State, in accordance with rule 5A, makes the following direction:

Children and young people in custody who meet the following description may be temporary released for the period specified, and subject to any conditions specified, by HMPPS in their licence.

Duration of direction

This direction applies from the day it is made 24 April 2020, to eligible children and young people falling into the below description, until revoked by a further direction.

Description of criteria

Children and young people in custody may be released under this direction if they fall into the following description (**all points must be met for eligibility for release**):

- a. A standard determinate sentence prisoner released under section 244 of Criminal Justice Act 2003, or
- b. a fine defaulter or contemnor subject to release pursuant to section 258 of the 2003 Act; or
- c. serving a detention and training order (DTO) under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000; and
- d. who has served at least half of the requisite custodial period of their sentence, and
- e. whose most recent assessment to determine their risk of serious harm (ROSH) in accordance with the AssetPlus guidance is “low” or “medium”, and
- f. who is:
 - a. within 61 days of their automatic release date, in the case of those serving standard determinate sentences, or
 - b. within 61 days of the one-half point of the term of the detention and training order, in the case of those serving a DTO.

Regardless of whether a child or young person qualifies under the above direction, if they fall into one or more of the following categories they must not be temporarily released under this direction:

- if excluded by rule 5A (see list below); or
- they are subject to assessment and management by a responsible authority pursuant to section 325 of the Criminal Justice Act 2003 (CJA 2003) (Multi Agency Public Protection Arrangements); or
- if, at the time of assessment, they are subject to recall to custody pursuant to section 254 or section 255 of the CJA 2003; or
- they have been assigned “Restricted Status”; or
- they are serving a sentence of four or more years imprisonment for an offence on the ‘Specified 4 Year Plus’ exclusion annex in the End of Custody Temporary Release Policy; or

- they have been assessed as posing a national security risk, a child safeguarding risk or a domestic violent risk in accordance with the End of Custody Temporary Release Policy; or
- they are serving a sentence for an offence specified in Schedule 15 to the CJA 2003; or
- they are serving a sentence for an offence on the 'Additional Violence and Sexual Offences' exclusion annex in the End of Custody Temporary Release Policy; or
- they are serving a sentence for an offence on the 'Young Offenders – drug offence exclusions' annex in the End of Custody Temporary Release Policy;

Children and young people statutorily excluded from a rule 5A direction:

- a. Those whose initial release is subject to Parole Board referral and release;
- b. Those excluded from ROTL by Rules 5(1A), (7) and (9) are also excluded from end of custody temporary release (ECTR):
 - i. those with a relevant deportation status (those who are being removed from the United Kingdom and who have exhausted their "in-country" rights of appeal against removal) who are not located in open conditions.
 - ii. those who have committed offences whilst at large following temporary release (unless the Secretary of State determines that to grant ETR would not undermine the administration of justice).
 - iii. those remanded or committed to custody for trial, sentence or to be otherwise dealt with by the courts
- c. Those subject to the notification requirements of Part 2 of the Sexual Offences Act 2003 (registered sex offenders).

Pursuant to Rule 5A(2)(b), no child or young person may be released under the rule following the end of any transmission control period.

Signed:

Robert Buckland

Date: 24th April 2020

Witness: Ben Jafari